

**BEFORE THE DIRECTOR
OF THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

KLAMATH BASIN GENERAL STREAM ADJUDICATION

In the Matter of the Claim of)	PARTIAL ORDER OF
DONALD E. ROWLETT)	DETERMINATION
)	
_____)	Water Right Claim 171

The GENERAL FINDINGS OF FACT of the FINAL ORDER OF DETERMINATION is incorporated as if set forth fully herein.

**A. FINDINGS OF FACT AND DESCRIPTION OF MODIFICATIONS
TO THE PROPOSED ORDER**

1. Claim 171 (Claimant: DONALD E. ROWLETT) and its associated contests (3402, 3830, and 4172) were referred to the Office of Administrative Hearings for a contested case hearing which was designated as Case 122.
2. On September 18, 2003, the Claimant, OWRD, the United States of America, the Klamath Tribes, and the Klamath Project Water Users executed a STIPULATION TO RESOLVE CONTESTS AND TO RECOMMEND A FINAL DETERMINATION OF THE CLAIM (Settlement Agreement) thereby resolving all matters.
3. The Office of Administrative Hearings conducted contested case proceedings and ultimately issued a PROPOSED ORDER (Proposed Order) for Claim 171 on February 11, 2004.
4. No exceptions were filed to the Proposed Order.
5. The Proposed Order is adopted and incorporated in its entirety as if set forth fully herein, with the exception that the section titled "Order" is replaced in its entirety by the Water Right Claim Description as set forth in Section B of this Partial Order of Determination for Claim 171. The outcome of the Order is without modification; it is presented in a format standardized by OWRD.

B. DETERMINATION

1. The Proposed Order is adopted and incorporated in its entirety as if set forth fully herein, with the exception that the section titled "Order" is replaced in its entirety by the Water Right Claim Description as set forth in Section B of this Partial Order of Determination for Claim 171. The outcome of the Order is without modification; it is presented in a format standardized by OWRD.
2. The elements of a pre-1909 claim are established. The GENERAL CONCLUSIONS OF LAW CONCERNING PRE-1909 CLAIMS is incorporated as if set forth fully herein.
3. Based on the file and record herein, IT IS ORDERED that Claim 171 is approved as set forth in the following Water Right Claim Description.

[Beginning of Water Right Claim Description]

CLAIM NO. 171

CLAIM MAP REFERENCE: OWRD INVESTIGATION MAPS – T 39 S, R 4 E and T 40 S, R 4 E

CLAIMANT: DONALD E. ROWLETT
16799 HWY 66
ASHLAND, OR 97520

SOURCE OF WATER:

SOUTH FORK BEAVER CREEK and BEAVER CREEK, tributary to JENNY CREEK; and
TWO UNNAMED STREAMS, tributary to BEAVER CREEK

PURPOSE OR USE: IRRIGATION OF 94.6 ACRES

RATE OF USE:

2.36 CUBIC FEET PER SECOND (CFS) MEASURED AT THE POINTS OF DIVERSION

THE RATE OF USE FOR IRRIGATION MAY NOT EXCEED 1/40 OF ONE CUBIC FOOT PER SECOND PER ACRE IRRIGATED DURING THE IRRIGATION SEASON OF EACH YEAR.

DUTY:

3.5 ACRE-FEET PER ACRE IRRIGATED DURING THE IRRIGATION SEASON OF EACH YEAR

PERIOD OF ALLOWED USE: MARCH 15 - NOVEMBER 15

DATE OF PRIORITY: DECEMBER 31, 1906

THE POINTS OF DIVERSION ARE LOCATED AS FOLLOWS:

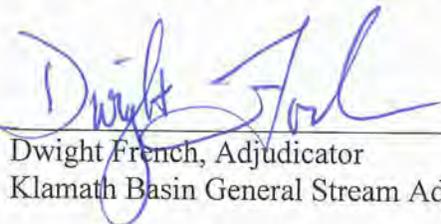
Source Name	Twp	Rng	Mer	Sec	Q-Q
South Fork Beaver Creek	39 S	4 E	WM	31	NE NE
Beaver Creek	39 S	4 E	WM	31	NE NE
Unnamed Stream	39 S	4 E	WM	31	NE SE
Unnamed Stream	39 S	4 E	WM	32	SW NW

THE PLACE OF USE IS LOCATED AS FOLLOWS:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
39 S	4 E	WM	32	NW SW		8.0
39 S	4 E	WM	32	SW SW		28.0
39 S	4 E	WM	32	SE SW		8.0
40 S	4 E	WM	5	NW NE	2	4.0
40 S	4 E	WM	5	NE NW	3	38.8
40 S	4 E	WM	5	NW NW	4	3.6
40 S	4 E	WM	5	SW NW		0.2
40 S	4 E	WM	5	SE NW		4.0

[End of Water Right Claim Description]

Dated at Salem, Oregon on March 7, 2013


Dwight French, Adjudicator
Klamath Basin General Stream Adjudication